

**CHAPTER NO. 20****HOUSE BILL NO. 1934****By Representative Bone****Substituted for: Senate Bill No. 1936****By Senator Rochelle**

AN ACT to amend Chapter 644 of the Private Acts of 1911; as amended by Chapter 685 of the Private Acts of 1929; Chapter 410 of the Private Acts of 1949; Chapter 310 of the Private Acts of 1957; Chapter 176 of the Private Acts of 1961; Chapter 381 of the Private Acts of 1972; Chapter 279 of the Private Acts of 1972; Chapter 38 of the Private Acts of 1989; Chapter 120 of the Private Acts of 1991 and Chapter 185 of the Private Acts of 1994; and any other acts amendatory thereto, relative to the charter of the City of Lebanon.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 644 of the Private Acts of 1911; as amended by Chapter 685 of the Private Acts of 1929; Chapter 410 of the Private Acts of 1949; Chapter 310 of the Private Acts of 1957; Chapter 176 of the Private Acts of 1961; Chapter 279 of the Private Acts of 1972; Chapter 381 of the Private Acts of 1972; Chapter 38 of the Private Acts of 1989; Chapter 120 of the Private Acts of 1991 and Chapter 185 of the Private Acts of 1994, and all other acts amendatory thereto, relative to the charter of the City of Lebanon, Tennessee is amended in Article III by deleting Section 2 in its entirety and by substituting instead the following:

Section 2. Mayor to appoint commissioner of finance and revenue, commissioner of public works, director of personnel, chief of police, fire chief, director of parks and recreation, city attorney, and city judge; terms and removal; reorganization concerning purchasing agent and director of codes enforcement; qualifications of commissioner of public works and city judge; authority to combine or create new offices; acting city judge. In January 2000, at the second regular meeting of the city council, and as vacancies occur, the mayor shall select and appoint with the advice and counsel of the aldermen and alderwomen comprising the city council, a commissioner of finance and revenue, a commissioner of public works, a city attorney, a director of personnel, a chief of police, a fire chief, a director or parks and recreation and city judge; provided, however, that in the event the city council has implemented an ordinance empowering the city judge to have general sessions powers, said position of the city judge after the initial appointment shall be elected according to the applicable state law.

In January 2000, at the second regular meeting of the city council, those persons appointed to the offices of purchasing agent, director of personnel, chief of police, fire chief, director of codes enforcement, director of parks and recreation, commissioner of finance and revenue, commissioner of public works and city attorney on January 2, 2000 shall no longer be appointees but shall continue in their same position as regular city employees under the provisions of amended ordinance number 99-1884.

The city council shall have the power, at any time, to combine any two (2) or more of the offices herein created. When necessary, they shall have the power to create such additional offices as may be required to properly administer the affairs of the city.

In the event of the absence, disqualification or inability of the city judge to at any time act or serve in said capacity, the Mayor of Lebanon, Tennessee, is hereby authorized and empowered to appoint in writing anyone he may deem proper to serve and act as city judge, during the absence, disqualification or inability of the regular city judge, to act. Said written appointment of such acting city judge, shall be attached to or entered in the regular docket of the city judge. Upon such appointment made of said acting city judge, he shall thereupon be sworn in as acting city judge, and he shall thereupon be vested with all powers and all the authority of the regular city judge, including the power and authority to issue warrants and try cases, and to pronounce judgments.

SECTION 2. Chapter 644 of the Private Acts of 1911, as amended, is amended in Article III, Section 10, by adding at the end of such section the language "If the mayor pro tem is acting in the temporary absence or inability of the mayor, the mayor pro tem shall still be allowed to vote as a councilperson even when presiding as chairperson."

SECTION 3. Chapter 644 of the Private Acts of 1911, as amended, is amended in Article IV, Section 3, by adding after the language "City Hall" the language "or City Administration Building."

SECTION 4. Chapter 644 of the Private Acts of 1911, as amended, is amended in Article V by deleting Section 5 in its entirety and by substituting instead, the following:

Section 5. Department heads authorized to appoint and discharge employees. Be it further enacted that the commissioner of finance and revenue, commissioner of public works, chief of fire department, chief of police department, director of personnel, and director of parks and recreation shall appoint the employees in their respective departments and may discharge said employees at any time for cause.

SECTION 5. Chapter 644 of the Private Acts of 1911, as amended, is amended in Article XIV, Section 1 by adding in the first sentence the language ", as an appointee or as a city employee," after the language "purchasing agent."

SECTION 6. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of the City of Lebanon. Its approval or non-approval shall be proclaimed by the presiding officer of the Legislative Body and certified to the Secretary of State.

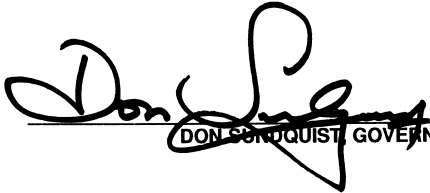
SECTION 7. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 6.

PASSED: March 25, 1999

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 1st day of April 1999

  
DON SUNDQUIST, GOVERNOR